

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

OCWEN LOAN SERVICING, LLC, §
§
Plaintiff, §
§
v. § Civil Action No. 6:18-cv-44-RP
§
SHAWN M. ALOSI, LINDSAY M. §
ALOSI, and WENDY LEE ALOSI, §
§
Defendant. §

**MOTION FOR AWARD OF ATTORNEYS' FEES BY
PLAINTIFF OCWEN LOAN SERVICING, LLC**

Plaintiff Ocwen Loan Servicing, LLC (“Ocwen” or “Plaintiff”) files this its *Motion for Award of Attorneys’ Fees* and respectfully shows as follows:

1. Ocwen filed this action on February 12, 2018 in the above court as Civil Action No. 6:18-cv-44-RP. (See ECF Document No. 1.)
2. Service of summons was made on all Defendants in this matter on February 20, 2018. (See ECF Document No. 6.) No Defendants answered or responded to the Original Complaint. (See ECF Document No. 9.)
3. Ocwen filed its Motion for Default Judgment and Request for Clerk’s Entry of Default on April 2, 2018. (ECF Document No. 7 & 8.) On June 15, 2018, United States Magistrate Judge Jeffrey C. Manske (“Judge Manske”) entered a Show Cause Order demanding Ocwen show cause as to why the Motion for Default Judgment should be entered against one of the Defendants in this matter. (ECF Document No. 10.) In response to the Show Cause Order, Ocwen filed a Response to the Show Cause Order, filed a Notice of Voluntary Dismissal for

Defendant Wendy Lee Alosi, and filed an Amended Motion for Default Judgment. (*See* ECF Document No. 11, 12, and 13.)

4. On June 28, 2018, Judge Manske entered a second Show Cause Order demanding Ocwen show cause for why its Motion for Default Judgment should not be denied. (*See* ECF Document No. 14.) Ocwen filed a Response to the Show Cause Order on July 9, 2018, providing cause for the Court to grant its Motion for Default Judgment. (*See* ECF Document No. 16.)

5. On July 12, 2018, Judge Manske entered his Report and Recommendation that the Motion for Default Judgment be granted. (*See* ECF Document No. 17.) On September 26, 2018, the Court entered an Order Adopting Magistrate Report and Recommendation of Judge Manske. (*See* ECF Document No. 20.)

6. On October 5, 2018, the Court granted the Motion for Defendant Judgment and entered a Final Judgment on Plaintiff's Motion for Default Judgment, ordering that Ocwen is authorized to foreclose on the subject real property and shall be able to recover its attorneys' fees. (*See* ECF Document No. 21.)

7. Ocwen presents its request for award of attorneys fees pursuant to the Note, Security Instrument, and Federal Rule of Civil Procedure 54(d)(2)(B)(i). Ocwen's attorneys' fees are recoverable from Plaintiffs under the terms of the Note and Security Instrument agreement as an additional portion of the debt owed to Deutsche Bank and secured by the Security Instrument on the Property. (*See* ECF Document No. 1; Exhibits B, C at ¶ 18.) Specifically, the Security Instrument provides that Ocwen can "collect all expenses incurred in pursuing the remedies provided in this paragraph 18, including, but not limited to, reasonable attorneys' fees and costs of title evidence." (*See* Exhibit C at ¶ 18.)

8. Plaintiff incurred \$4,570.50 in reasonable and necessary attorneys' fees in filing and prosecuting this suit to enforce its interest in certain real property as a result of Defendants' default of under the Note and Security Instrument agreement between the parties. *See Exhibit A*, Declaration of Gordon W. Green. A true and correct copy of the detailed billing statements of attorneys' fees are attached hereto as Exhibit B. Accordingly, in this Motion, Ocwen requests an award of attorneys' fees in the amount of \$4,570.50 that it has incurred in enforcing its interest in the subject property.

WHEREFORE, PREMISES CONSIDERED, Ocwen respectfully requests that the Court award it its attorneys' fees in the total amount of \$4,570.50, to be recovered from Defendants. Ocwen also prays for all relief, whether at law or in equity to which it is justly entitled.

Respectfully submitted,

By: /s/ Gordon W. Green
MARK D. CRONENWETT
Attorney-in-Charge
Texas Bar No. 00787303
mcronenwett@mwzmlaw.com

GORDON W. GREEN
Texas Bar No. 24083102
ggreen@mwzmlaw.com

PHILIP W. DANAHER
Texas Bar No. 24078395
pdanaher@mwzmlaw.com

MACKIE WOLF ZIENTZ & MANN, P.C.
14160 N. Dallas Parkway, Suite 900
Dallas, Texas 75254
214-635-2685 (Phone)
214-635-2686 (Fax)

Attorneys for Plaintiff

CERTIFICATE OF CONFERENCE

I hereby certify that I was unable to conference with the Defendants in this matter, as they have not answered the pleadings in this matter nor made appearances.

/s/ Gordon W. Green
GORDON W. GREEN

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of October, 2018, a true and correct copy of the foregoing was served via regular and certified U.S. mail on the following parties:

Via CMRRR 9314 7699 0430 0051 9802 97
and U.S. Mail

Shawn M. Alosi
1411 Ashley Dr.
Nolanville, Texas 76559

Via CMRRR 9314 7699 0430 0051 9803 89
and U.S. Mail

Lindsay M. Alosi
822 Terra Cotta Ct.
Harker Heights, Texas 76548

/s/ Gordon W. Green
GORDON W. GREEN